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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,959	12/11/2003	Kaiyuan Yang	16514	9281
23556	7590	07/31/2006	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			EDWARDS, NEWTON O	
			ART UNIT	PAPER NUMBER

1774

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,959

Applicant(s)

YANG ET AL.

Examiner

N Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-62 is/are pending in the application.
- 4a) Of the above claim(s) 24-42 and 57-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43, 50, and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 24-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/18/04 3/14/05 13/12/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13, drawn to an elastomeric article having a latex substrate impregnated with elastomeric fibers, classified in class 2 or 604 or 428 or 36, subclass various.
 - II. Claims 14-23, drawn to an elastomeric article combined with a mat, classified in class 442 or 428, subclass various.
 - III. Claims 43-57, drawn to an elastomeric article having polymeric layer covering an elastic substrate, classified in class 442, subclass 182.
 - IV. Claims 58-62, drawn to an elastomeric article having a mat coating an elastomeric latex substrate, classified in class 442, subclass 328+.

If group I is elected, applicant is required to elect a single disclosed species between claim 2 and 3. Select one claim. If applicant elects claim 3 a further election of species is required If group between claim 4 and 5. Select one claim.

If group I is elected, applicant is required to elected a single disclosed species form claim 9.

If group I is elected, applicant is required to elect a single disclosed species for the latex substrate from claims 10, 11, 12, and 13. Select one claim.

If group II is elected, applicant is required to elect a single disclosed species for the fiber from claims 18, 19, 20, and 21.

If group III is elected applicant is required to elect a single disclosed species for the polymeric fibers either covering or impregnating and polymeric fibers having thermally bonded or partially melted form claim 43.

If group III is elected applicant is required to elect a single disclosed species for claim 56.

2. The inventions are independent or distinct, each from the other because:

3. Inventions group I and group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions group I can be a condom impregnated with fiber group II an article combined with a mat (can be a wet suit or rubber hose or medical stent cover) which has a different mode of operation and effect.

4. Inventions group III and group IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination group IV has separate utility such as coated rubber stopper. See MPEP § 806.05(d).

5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

For the record, a new restriction was given to applicant in view of the comments made by applicant in paper 6/23/06 for customer service.

7. During a telephone conversation with Karl Sidor on 7/14/06 a provisional election was made without traverse to prosecute the invention of group III, claims 43--57.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 24-42 and 58-62 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

8. In accordance with the election of species requirement Karl Sidor elected covering and thermally boned for claim 43. Applicant further elected glove for claim 56.

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 44, 45, 46, 50, 53, and 55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

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application was filed, had possession of the claimed invention. The specification as filed fails to set forth support for 1) claim 44, 2) claim 45 (see page 2 Line 20 of spec), 3) claim 46, 4) claim 50 , 5) 53 (see page 19 line 15), and 6) claim 55.

11. Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 50 is indefinite and vague since it is written in aggregation with claim 43. The claim fails to convey how the additional elastomeric component combines with the elastic substrate and the polymeric fibers to form the elastomeric article of claim 43.

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 43,51, and 57 are rejected under 35 U.S.C. 102(b) as being clearly by anticipated Ikeda (US 5,527,580).

Ikeda teaches a rubber (includes any and all rubbers of claim 57) stopper having sheet (web or entangled fibers) of polyethylene (fibers) which is partially crosslinked with the rubber and they are thermally bonded to each other. See abstract and col.2 lines1-50.

14. Claims 43,47, 50,56, and 57 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stokes (EP 0427942).

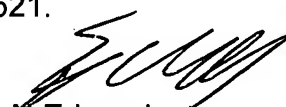
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Stokes teaches an elastomeric saturated nonwoven material (blanket or sheet) comprising an elastic nonwoven rubber (includes polyurethane, natural rubber, NBR, SBR, etc), and a polymeric material which impregnated (which covers) the nonwoven rubber web. See claim 1 2,3,4,5,6,13, and 14 for example of stokes.

15. Claims 45(44, 46—49, and 52-55) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action.

The cited patent disclose the state of the prior art.

Any inquiry concerning this communication should be directed to Primary Examiner Edwards at telephone number 571-272-1521.



N Edwards
Primary Examiner
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